{deleted text} shows text that was in HB0089 but was deleted in HB0089S01.

inserted text shows text that was not in HB0089 but was inserted into HB0089S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kraig Powell proposes the following substitute bill:

CAMPAIGN CONTRIBUTION AND PUBLIC SERVICE ASSISTANCE DISCLOSURE AMENDMENTS

2015 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor:

LONG TITLE

General Description:

This bill modifies the Election Code {by amending provisions relating} in relation to campaign contributions and public service assistance.

Highlighted Provisions:

This bill:

- requires the lieutenant governor to {establish and maintain, on the lieutenant governor's website, a searchable database of reporting entities, principals, and lobbyists;
- requires a detailed listing in a financial statement to indicate whether the individual or source that makes a contribution or provides public service assistance is a

reporting entity, principal, or lobbyist;

- imposes criminal penalties and a civil fine against a reporting entity that fails to timely file a corrected financial statement after the lieutenant governor provides notice that the reporting entity failed to comply with the requirements described in the preceding paragraph; and
- makes technical changes} identify whether a donor listed in a summary report was a registered lobbyist.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

{AMENDS:

20A-11-101, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337 ENACTS:

20A-11-105, Utah Code Annotated 1953

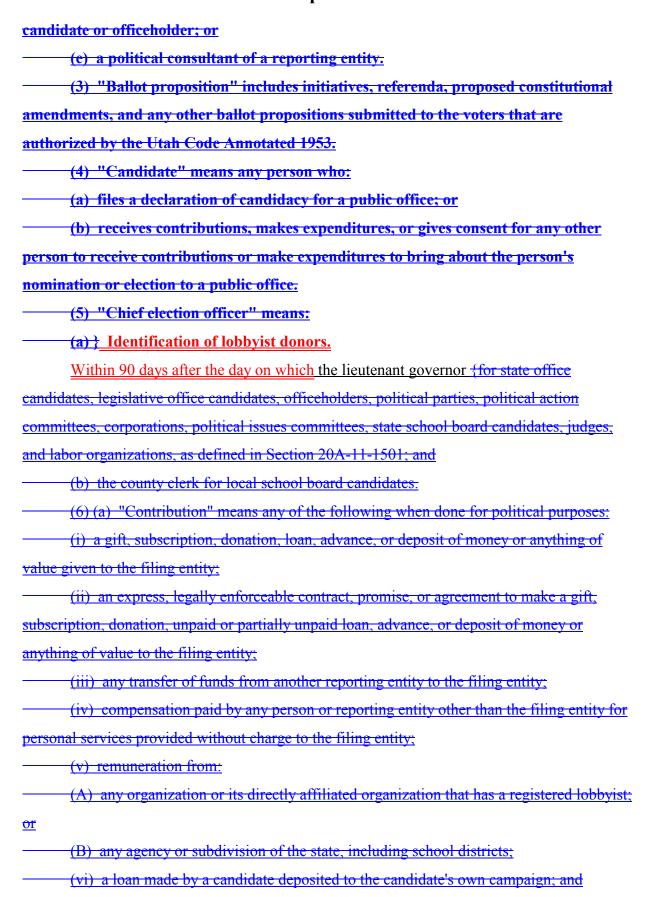
Be it enacted by the Legislature of the state of Utah:

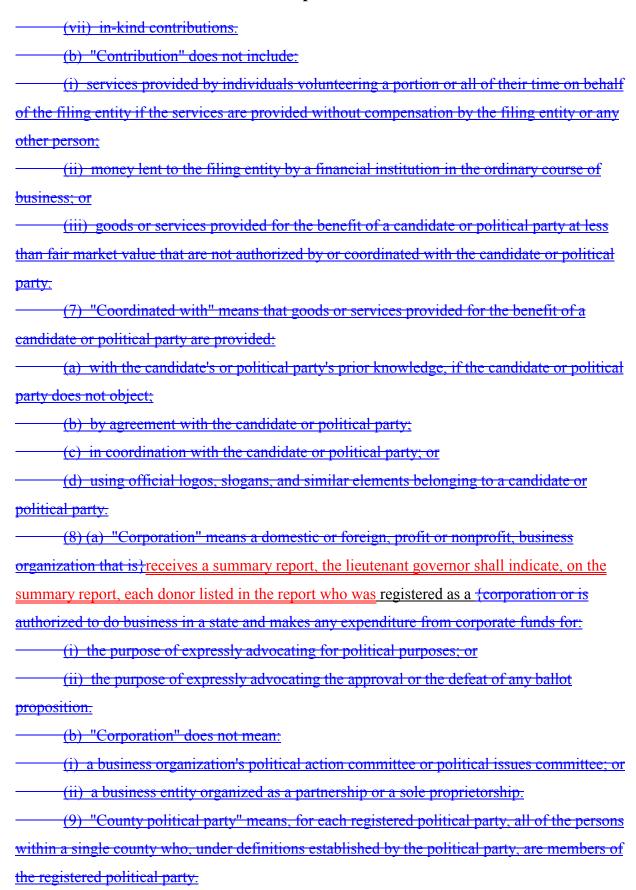
Section 1. Section \(\frac{20A-11-101}{20A-11-105}\) is \(\frac{\tamended}{\text{enacted}}\) enacted to read:

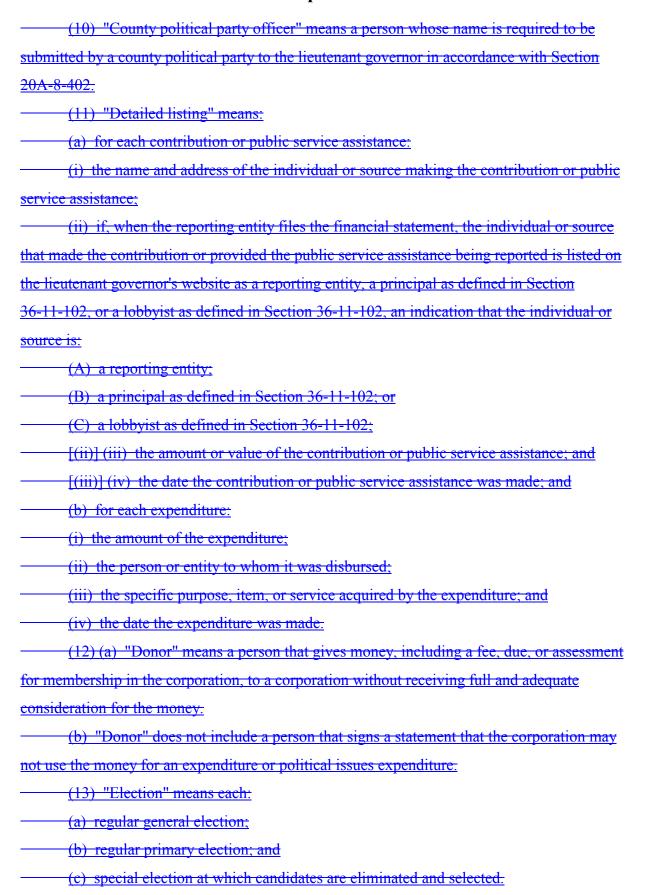
{20A-11-101}**20A-11-105.**{ Definitions.

As used in this chapter:

- (1) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.
 - (2) "Agent of a reporting entity" means:
- (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
- (b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;
 - (c) the personal campaign committee of a candidate or officeholder;
- (d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the



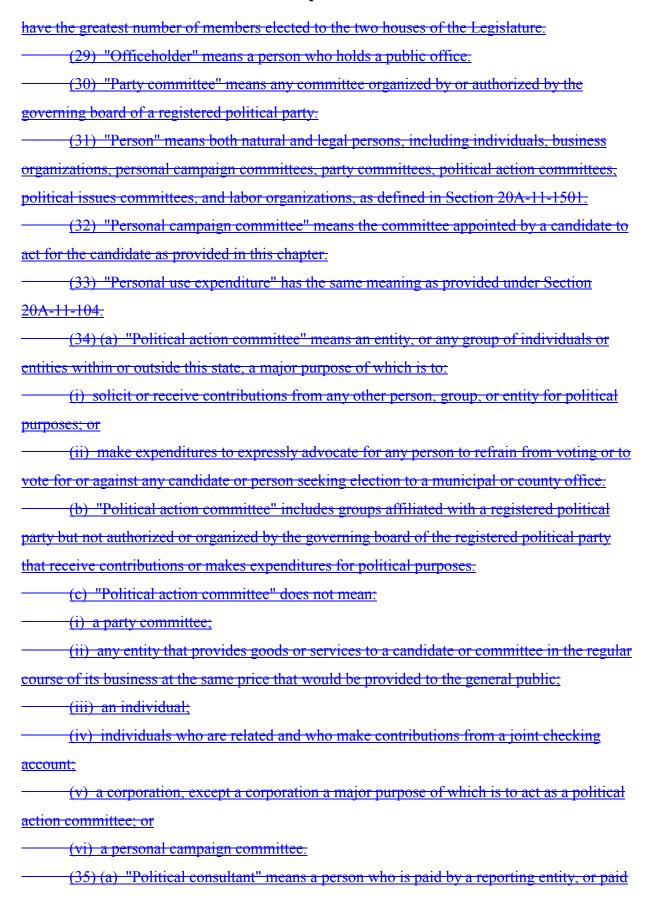




(14) "Electioneering communication" means a communication that: (a) has at least a value of \$10,000; (b) clearly identifies a candidate or judge; and (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date. (15) (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity: (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter; (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes; (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes; (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity; (v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value. (b) "Expenditure" does not include: (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity; (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah. (16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative. (17) "Filing entity" means the reporting entity that is required to file a financial

statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections. (18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections. (19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation. (20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1, <u>Incorporation</u>, by which a geographical area becomes legally recognized as a city or town. (21) "Incorporation election" means the election authorized by Section 10-2-111 or 10-2-127. (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or 10-2-125. (23) "Individual" means a natural person. (24) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity. (25) "Interim report" means a report identifying the contributions received and expenditures made since the last report. (26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature. (27) "Legislative office candidate" means a person who: (a) files a declaration of candidacy for the office of state senator or state representative; (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or (c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

(28) "Major political party" means either of the two registered political parties that



by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity. (b) "Political consultant" includes a circumstance described in Subsection (35)(a). where the person: (i) has already been paid, with money or other consideration; (ii) expects to be paid in the future, with money or other consideration; or (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration. (36) "Political convention" means a county or state political convention held by a registered political party to select candidates. (37) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to: (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition; (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot. (b) "Political issues committee" does not mean: (i) a registered political party or a party committee; (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public; (iii) an individual; (iv) individuals who are related and who make contributions from a joint checking account; or (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee. (38) (a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee; (ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition; (iii) any transfer of funds received by a political issues committee from a reporting entity; (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and (v) goods or services provided to or for the benefit of a political issues committee at less than fair market value. (b) "Political issues contribution" does not include: (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or (ii) money lent to a political issues committee by a financial institution in the ordinary course of business. (39) (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity: (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of: (A) a ballot proposition; or (B) an incorporation petition or incorporation election; (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of: (A) a ballot proposition; or (B) an incorporation petition or incorporation election; (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure; (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

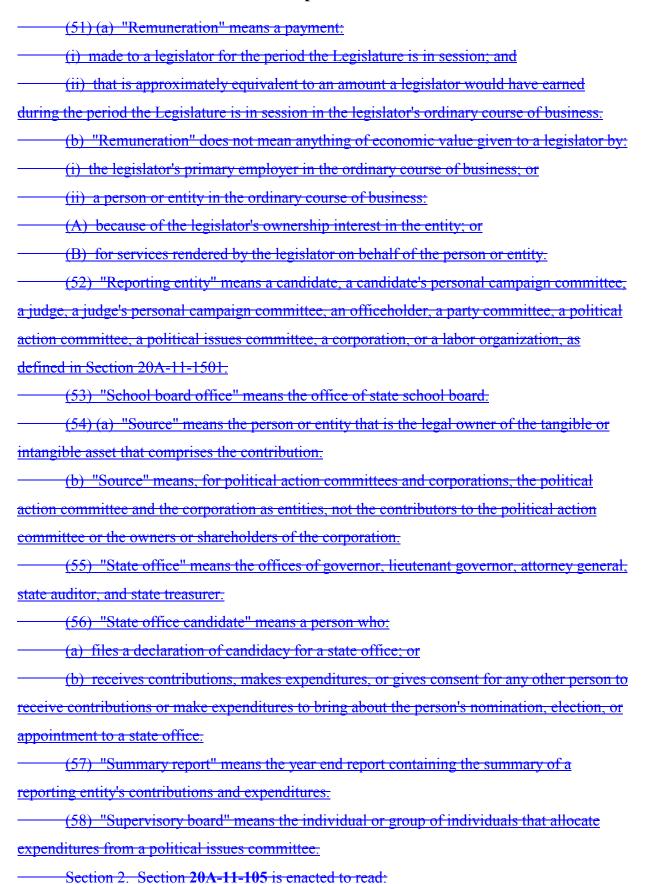
(v) goods or services provided to or for the benefit of another reporting entity at less

than fair market value. (b) "Political issues expenditure" does not include: (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or (ii) money lent to a political issues committee by a financial institution in the ordinary course of business. (40) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal or county office at any caucus, political convention, or election. (41) (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email. (b) "Poll" does not include: (i) a ballot; or (ii) an interview of a focus group that is conducted, in person, by one individual, if: (A) the focus group consists of more than three, and less than thirteen, individuals; and (B) all individuals in the focus group are present during the interview. (42) "Primary election" means any regular primary election held under the election laws. (43) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature. [(45)] (44) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

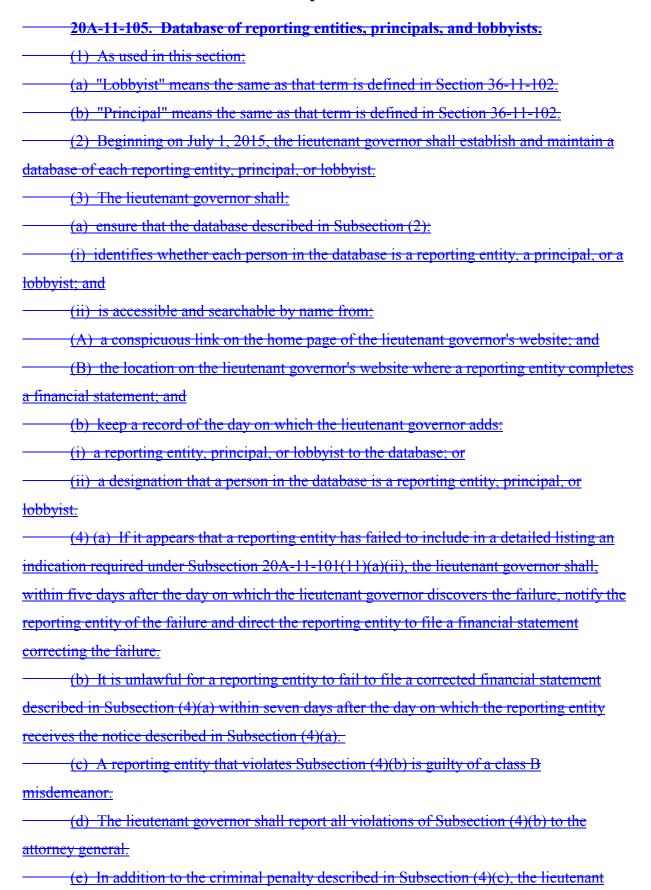
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[(44)] (45) (a) "Public service assistance" means the following when given or provided

to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents: (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder. (b) "Public service assistance" does not include: (i) anything provided by the state; (ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder; (iii) money lent to an officeholder by a financial institution in the ordinary course of business; (iv) news coverage or any publication by the news media; or (v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder. (46) "Receipts" means contributions and public service assistance. (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11, **Lobbyist Disclosure and Regulation Act.** (48) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor. (49) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor. (50) "Registered political party" means an organization of voters that: (a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or (b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.



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governor shall impose a civil fine of \$100 against a reporting entity that violates Subsection (4)(b).

Legislative Review Note

as of 6-3-14 9:42 AM

Office of Legislative Research and General Counsel lobbyist:

(1) on December 31 of the calendar year to which the summary report relates; or

(2) within two years before the date described in Subsection (1).